

3514. Adulteration and misbranding of maple butter. U. S. v. W. T. Bailey et al. (Marshalltown Syrup & Sugar Co.). Plea of guilty. Fine, \$20 and costs. (F. & D. No. 5203. I. S. No. 36969-e.)

On January 13, 1913, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Marshalltown Syrup & Sugar Co., a partnership composed of W. T. Bailey, F. O. Bailey, and J. R. Bailey, all of Marshalltown, Iowa, alleging shipment by the defendant concern, on or about May 29, 1912, from the State of Iowa into the State of Nebraska, of a quantity of maple butter which was adulterated and misbranded. The product was labeled: "5 lbs. Net Maple Butter For cake frosting filling and icing. It is delicious on hot cakes and biscuit, also spread on bread and butter. A mixture of cane and maple sugar so blended as to give the most pleasant and lasting flavor and a substance used to produce inversion of cane sugar. Preservatives 1/0 of 1% Benzoate of Soda. Diamond W. brand. For sale only by Williams-Murphy Co., Omaha, U. S. A."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids by refractometer (per cent).....	86.1
Sucrose, Clerget (per cent).....	51.85
Commercial glucose (factor 163) (per cent).....	30.67
Polarization, direct, at 30° C. (°V.).....	102.4
Polarization, invert, at 30° C. (°V.).....	36.2
Polarization, invert, at 87° C. (°V.).....	50.0
Ash (per cent).....	0.94
Lead precipitate (Winton number).....	1.52
Weight (ounces).....	76.125
Preservatives, sodium benzoate (per cent).....	0.09

Shortage in weight (Oct. 18, 1912): Weight, 4 lbs. 13½ oz., shortage 3.12 per cent; weight, 4 lbs. 13½ oz., shortage 3.12 per cent; weight, 4 lbs. 13¼ oz., shortage 2.81 per cent.

It was alleged in the information that the labeling on the product was false and misleading and was known by the defendant to be false and misleading; that from an analysis made by the Bureau of Chemistry of the Department of Agriculture of samples of the product taken from the above described shipment it was shown to contain 30.67 per cent of commercial glucose, and was therefore adulterated within the meaning of the second paragraph of section 7 of the act in the case of food, in that it was labeled "Maple butter" and another substance, to wit, commercial glucose, had been substituted wholly or in part therefor. It was further alleged that the product was misbranded within the meaning of the first general paragraph of section 8, in that the following statement, to wit, "Cane and maple sugar," shown on the label thereof, was false and misleading, because it misled and deceived the purchaser into the belief that the product was a sugar butter made wholly from cane and maple sugar, whereas, in truth and in fact, it contained commercial glucose, the statement, "a mixture of cane and maple sugar and a substitute used to produce inversion of cane sugar," which also appeared on the label in small and inconspicuous type, not being sufficient to correct the false impression created by the statement "Cane and maple sugar butter." It was further alleged that the product was misbranded within the meaning of paragraph 3 of section 8 in the case of food, in that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "Maple butter," thereby purporting that the product was a sugar butter made from cane and maple sugar, when, as a matter of fact, it contained commercial glucose, the statement, "A mixture of cane and maple sugar and a substitute used to produce inversion of cane sugar," which also appeared on the label in small and inconspicuous type, not being sufficient to correct the false impression conveyed by the statement "Maple butter."

On May 18, 1914, a plea of guilty to the information was entered on behalf of the defendant concern and the court imposed a fine of \$20 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., December 31, 1914.